(03)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G).

WRIT PETITION 2110 /05. **SINGLE BENCH**

PETITIONER : ARUN KUMAR AGRAWAL S/O LATE RADHASHYAM AGRAWAL AGED ABOUT 40 YEARS, R/O SETH BASANT LAL MARG, AMBIKAPUR (C.G.)

VERSES

RESPONDENTS: 1. STATE OF CHHATISGARH, THROUGH-SECRETARY, DEPARTMENT OF TRANSPORT, RAIPUR (C.G.)

2. STATE TRANSPORT AUTHORITY, RAIPUR(C.G.).

3. ASSITANT SECRETARY, STATE TRANSPORT AUTHORITY CHHATISGARH RAIPUR (C.G).

4. YOGESH PRATAP SINGH, BUS OPERATER, AMBIKAPUR (C.G).

5. ARVIND KUMAR SINGH BUS OPERATER, AMBIKAPUR (C.G.).

P.R. No. 2837/05
Presented by Shri Sanjeev Gupta
dated 24.6.05

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP. 2110/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.8.2005 Shri Santosh Gupta, counsel for the petitioner. Shri Yashwant Singh Thakur, Govt. Advocate for respondent No.1 to 3. Shri Ajay Shrivastava, counsel for respondent No.4. The petitioner has preferred this petition under Article 226 of the Constitution of India for issuance of writ of prohibition restraining respondent No.2 from granting any stage carriage permit on any inter-statal route between the State of Chhattisgarh & State of Jharkhand in absence of any receprocal agreement. In Paragraph No.5.4 of the petition it has been mentioned that inspite of the objection filed by the petitioner, the applications for grant of temporary permits on the inter-state routes between Ramanujganj to Daltongunj and on other routes between the State of C.G. and Jharkhand are being invited without execution of reciprocal agreement in utter defines of law laid down by the Hon'ble Apex Court. I have heard learned counsel for the parties. Learned counsel for the petitioner submitted that respondent No.2 is not entitled to invite applications for grant of temporary permit on the inter-statal routes between State of C.G. & Jharkhand without execution of reciprocal agreement. On the other hand, Shri Shrivastava & Shri Thakur submitted that for grant of temporary permit reciprocal agreement between the two States is not necessary. In order to appreciate the arguments advanced by the counsel for the respective parties, if we look into the provisions of sub-section (7) of	

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 2110/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Section 88 of the Motor Vehicles Act, 1988 which deals with the grant of temporary permit, envisages that:

> "(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under Section 87 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other States, as the case may be.

Under the above provision a Regional Transport Authority of one region is entitled to grant temporary permit under Section 87 of the Act to be valid in another region or State with the concurrence, generally given or for the particular occasion, of the Regional Transport Authority of other region of that State. Therefore, the only requirement is that temporary permit can be granted subject to concurrence, given generally or for particular occasion by the Regional Transport Authority and there is no need for a reciprocal agreement between the two States and for this view I am supported by the judgment of M.P. High Court in the matter of **Hrudayanand Tiwari Vs. State of M.P. and others** reported in **2001 (1) M.P.LJ. 466.**

In view of the above, the petition is without any merit, same is liable to be dismissed and it is, accordingly, dismissed.

Sd/-
L.C. Bhadoo
Judge

SP/FS/2005 - 20,000

14.9.09 1248 8/7/09 12.01.16.